

BOARD OF SELECTMEN

May 14, 2013

Minutes

The Board of Selectmen met on Tuesday May 14, 2013 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John Gorecki, Timothy F. Hult and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present. Selectman John D. Williams was not present. (Mr. Gorecki arrived at 8:30 p.m.)

Mr. Scavongelli said there were a few changes to the Agenda this evening. The Transportation Management Agency Presentation and the Reorganization of the Board have both been postponed to a future meeting.

Community Input

Mr. Ralph Anderson from Baldwin Road spoke to the Board about the Community Preservation Act in regard to the Highland Building. He reminded the Board that the Community Preservation Act enabled adopting communities to raise funds to create a local dedicated fund for use on only four (4) purposes, one of which was the preservation of historic resources. At the 2009 annual Town Meeting, \$445,000 was voted from the Community Preservation Act fund for the Board of Selectmen to spend on the *preservation of the Highland Building*. Mr. Anderson pointed out that the term *preservation* meant – the protection of personal or real property from injury, harm or destruction. He said many repairs and upgrades have been done to the Highland Building, which would make the project as voted, complete.

Mr. Anderson requested that the Board of Selectmen not authorize any further funds from the 2009 CPA motion to be spent for any purpose related to the planning for possible future uses of the building since this would be outside of the scope of the purposes for which the Town Meeting voted to spend the money.

Mr. Scavongelli said for clarity purposes, there is approximately \$35,000.00 left in the Highland Building Preservation account. He said the Highland Building was proposing to use about \$7,500.00 on architectural services. He said he was not entirely convinced that the building was fully stabilized. He said the Highland Building Committee is complying with the Board of Selectmen's request to find a use for the building.

Mr. Stevenson said we should know what the building will be used for before we hire an architect for design services.

Mr. Scavongelli said he would like to make this topic an agenda item for the May 28th Board of Selectmen's meeting.

Chief Fisher – New Patrol Officer appointment

Police Chief John Fisher was present tonight to ask the Board to approve the appointment of a new Patrol Officer, Andrew Corwin. He said the position Andrew Corwin is filling is due to the retirement of Sgt. Thomas Whelan. Chief Fisher spoke about Mr. Corwin's background and the interview process he went through. Chief Fisher acknowledged resident Dave Reed who assisted in this process as a citizen at large.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** to make an offer of employment to Andrew Corwin of Framingham, MA as a patrol officer for the Town of Carlisle, subject to a pre-employment physical and successful background investigation.

Execution of CR re: Elliott property

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Approved: 5/28/13

Steve Tobin from the Carlisle Conservation Foundation, Kelly Guarino from the Conservation Commission

and Sylvia Willard, Conservation Agent were present for this discussion.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** that in pursuant to MGL Ch. 184, sections 31-33, the Board of Selectmen approve Conservation Restriction #65 for the Carlisle Conservation Commission and execute any and all necessary documents to effectuate that grant by Sudbury Valley Trustees, Inc.

Steve Tobin explained that this Conservation Restriction will give the Town control over what types of activities that can occur on the property. He said the Town has a responsibility to make sure that the Sudbury Valley Trustees are complying with the restrictions. Steve added that camping is allowed on the property.

Town Administrator Report

Consent Items:

The coordinator of the Concord PMC Kids Ride asked for approval to travel through parts of Carlisle on (bicycle) on Sunday, June 9th from 8:30 a.m. to 12 p.m.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Concord PMC Kid's Ride scheduled on June 9th from 8:30 am to 12 pm.

Action Items:

1) Complaint of Nuisance/Dangerous Dog - Canterbury Court/Stoney Gate Road

Mr. Goddard said a notice of an investigative hearing has been scheduled on Tuesday, May 28th at 7:30 pm to hear testimony regarding complaints of a nuisance/dangerous dog owned by Eric Lawson of Bedford Road.

Mr. Goddard said Mr. Lawson and the complainants have received a notice of the scheduled hearing.

Mr. Scavongelli explained that the Board of Selectmen are having an investigative hearing in order to look into this matter where several neighbors have sent in written testimony that a dog is dangerous, however there is one inconsistency in the report. The police report is inconsistent with the report we have at Town Hall. The public hearing will allow enough time for this matter.

2) Commence Eviction Process – 669 Bedford Road

Mr. Goddard said as the Board may recall the former owners of the recording studio at 669 Bedford Road had one year to redeem the property. He said that period of time expired on May 2, 2013 and now the Town is the owner of said property. Presently, the former owners have no right to redeem the property. Mr. Goddard said the next step is to move forward with the formal eviction proceedings. He said Town Counsel has drafted a letter (attached hereto) to the former owners with a Notice and Demand for Non-Payment and Notice to Quit.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** that the Town will proceed with the eviction of the current occupants of 669 Bedford Road by sending a formal notice to quit and demand for non-payment as drafted by Town Counsel.

Informational Items:

Mr. Goddard said Police Chief John Fisher received a letter from the Massachusetts Department of Transportation (MassDOT) in response to his request to change the speed limit on Lowell Street in Carlisle. Mr. Goddard said (MassDOT)denied this request because they deemed the current speed limit to be appropriate.

Mr. Goddard said he attended a meeting last week at the Minuteman High School for the Town Administrators/Town Managers. He said the discussion was relative to the Minuteman Reg. Agreement Amendment Subcommittee (RAAS) and the changes they are proposing to the agreement.

Minutes

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of April 9, 2013.

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On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of April 23, 2013.

Audit Committee – Recommendation for Auditor

Audit Selection Committee members Simon Platt and Larry Barton were present for this discussion. Simon said the Town has used the same Audit Firm, Sullivan and Rogers for about 10 years, however after the last Town Audit the Audit Committee decided to put out a request for proposals for Audit Services. The Audit Selection Committee consisted of the three members of the Audit Committee, Simon Platt, Deb Belanger and Bonnie Brown and Larry Barton, Priscilla Dumka and Tim Goddard in an advisory capacity. Simon said the key criteria they were looking for in a firm were: competence, service quality and fees. He said the committee met five times and reviewed the five proposals that were submitted. Simon said the committee voted unanimously to recommend to the Board of Selectmen to reappoint Sullivan and Rogers for three (3) years with two (2) additional years at the option of the Town.

The Board thanked the Committee for all of their work on this matter.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** that upon the recommendation of the Audit Services Selection Committee the Board of Selectmen will engage the Sullivan Rogers Company as the Town's independent auditors for Fiscal Years 2013-2015 with the option to extend the engagement for two additional years in the Town's sole discretion.

Liaison Reports

Mr. Hult said the Concord-Carlisle High School Building Committee had their first meeting of what is referred to as the *pencil ready review* of the invoices from the contractor. He said a member (non-employee) of the finance committee, a sub-committee of the School Building Committee will go over all the bills submitted by the contractor for the month. He said this will be a regular process.

Mr. Hult spoke about the project itself and he said a lot of work has been done already.

In response to Mr. Scavongelli, Mr. Hult said the first time the students will enter the completed High School will be after their spring break in April 2015.

Mr. Stevenson said last week he and Tim Hult and John Williams attended the ground-breaking ceremony for the Benfield project. He said it was very well attended and work has already begun on the project.

Mr. Stevenson said the Celebrations Committee is planning the Memorial Day event and services on May 27th.

In regard the Carlisle School Building Committee, Mr. Stevenson said they are in the final stages of the punch-list items.

Mr. Hult said the Carlisle School Committee is in the process of negotiating with a new superintendent/principal. Her name is Joan Wickman.

Mr. Gorecki reported on yesterday's Financial Management Team meeting. He said most of the departments are busy finishing work from Town Meeting. Mr. Gorecki said the Town Accountant is working on year-end reports.

Recommendation for Town Counsel Services

Mr. Gorecki said in July of 2012 the Board of Selectmen sent out a Request for Proposals for Town Counsel /Legal Services. Mr. Gorecki said they received seven (7) replies to the RFP. He said the Town Counsel Search Committee consisted of: John Gorecki/Board of Selectmen, Kelly Guarino/ Conservation Commission, David Guarino/Finance Committee, Marty Galligan/ZBA, Michael Epstein/Planning Board, and Tim Goddard /Town Administrator. This group reviewed the responses and chose four out of the seven to interview. He said after deliberation, the committee decided to recommend to the Board of Selectmen the law firm of Miyares and Harrington as new Town Counsel. He said from a cost perspective the committee found their proposal most attractive. Mr. Gorecki explained that they are a firm of six attorneys from Belmont, Massachusetts.

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Attorney's Tom Harrington, Chris Heep and Ray Miyares were present from Miyares and Harrington. Tom Harrington spoke about the firm and the areas of law they practice. He also talked about the transition period from Deutsch Williams to their firm. He said they will look at the top cases first and work their way down the list.

Tom said he would be in constant contact with Tim Goddard during this period.

In response to Mr. Stevenson, Tom said labor negotiations and labor work will be handled by Attorney Anastasopoulos.

Mr. Goddard said he has worked with Miyares and Harrington in Littleton and greatly recommends them to the Board. He said they have excellent communication with their clients and he felt the Town would be well served by this firm.

On a motion made by Mr. Gorecki and seconded by Mr. Stevenson, it was unanimously **VOTED** that upon the recommendation of the Town Counsel Selection Committee, the Board of Selectmen will appoint Miyares & Harrington, LLP of Belmont, Massachusetts as Town Counsel pursuant to Article III, Section 3.20.1 of the General Bylaws of the Town of Carlisle and execute an engagement letter for Town Counsel Services as presented at this meeting.

On a motion made by Mr. Stevenson and seconded by Mr. Hult, it was unanimously **VOTED** to express the Board's gratitude to the firm of Deutsch Williams, especially Paul DeRensis for fifteen years of service to the Town of Carlisle as Town Counsel.

Town Meeting Recap

The Board discussed the recent Town Meeting and made suggestions on items that could be improved in the future.

Mr. Scavongelli said he found it troubling that every year there continues to be problem in meeting a quorum at Town Meeting. He asked if anyone had any ideas about how to encourage residents to attend Town Meeting. His second concern was over the Consent Agenda. He questioned whether this was really saving time, as it was intended to. He suggested removing the Consent Agenda going forward.

Mr. Stevenson said he felt that the Town Meeting went very well in general. He said in terms of the quorum, this has been a problem for several years. Mr. Stevenson said that it seems that residents attend Town Meeting when there are items that are of interest to them. He also said that he feels that this lack of a quorum may mean that there is a level of confidence in Town leadership.

Mr. Stevenson said he agreed with Mr. Scavongelli regarding the Consent Agenda. It does not save any time. He said we spend more time explaining the Consent Agenda. Mr. Scavongelli said it would be helpful to have a discussion with the Town Moderator regarding the Consent Agenda.

Mr. Stevenson added that it takes about fifteen minutes for the Town Moderator to explain all of the procedural items before Town Meeting can begin.

Mr. Gorecki commented that most residents don't arrive at Town Meeting until about 7:20 p.m. because they know all of the procedural matters have to be dealt with first. He suggested shortening the procedural format. It was suggested to read the procedural items at exactly 7:00 p.m. before there is a quorum.

Mr. Hult spoke about the Community Preservation Act issues. He felt that they did not have all the information relative to the motions and it could have been better prepared. Mr. Hult said next year the Board should have coordination with Community Preservation Committee and therefore be better informed before Town Meeting.

Mr. Scavongelli listed the items that needed improvement: 1) condensing the procedural items in the beginning of the meeting; 2) eliminating the Consent Agenda; and, 3) Improve coordination/communication with Community Preservation Committee.

The meeting adjourned at 9:00 p.m.

Respectfully submitted by Margaret Arena

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